Sub C8 D1

downregulating production of interleukin-12, thereby treating the interleukin-12-induced inflammatory response of an inflammatory bowel disease, wherein the ligand is not monoclonal antibody 5C6.

Sub C4 D2

10. (Twice amended) The method of claim 1, 2, 3, 4, 5, 6, 7 or 8, wherein the ligand of complement receptor 3 is selected from the group consisting of iC3b, ICAM-1, fibrinogen, β-glucan, C3b, ICAM-2, ICAM-3, a complement receptor 3-binding microorganism, a complement receptor 3-binding product of a complement receptor 3-binding microorganism and antibodies to complement receptor 3 which are not monoclonal antibody 5C6.

REMARKS

Claims 1-8 and 10 are pending in the present application. Claims 1-3, 5, 7 and 10 are amended herein for clarity and to more particularly define the invention. Support for these amendments can be found throughout the specification and as described below. No new matter is believed to be added by these amendments. In light of these amendments and the following remarks, applicants respectfully request reconsideration of this application and allowance of the pending claims to issue.

I. Supplemental IDS

The Office Action states that no supplemental IDS has been received by the office, though applicant indicated that a supplemental IDS would be submitted.

Applicants provide herewith a supplemental IDS. Therefore, applicants believe this objection has been overcome and respectfully request entry of the supplemental IDS.

II. Rejection Under 35 U.S.C. § 112, first paragraph

The Office Action states that claims 1-8 and 10 are rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. According to the Office Action, claims 1-8 and 10 are allegedly not supported by the specification or by the claims as originally filed. There is allegedly no support in the specification or claims as originally filed for the recitation "wherein the ligand is not an antibody having the myelomonocytic recruitment inhibitory activity of monoclonal antibody 5C6." The Office Action further states that there is no written description of the claimed invention in the specification or claims as originally filed. Thus, the Office Action concludes that the claimed invention constitutes new matter.

Although applicants believe that the recitation "wherein the ligand is not an antibody having the myelomonocytic recruitment inhibitory activity of monoclonal antibody 5C," is adequately supported in the specification, in order to expedite prosecution of the present application to issue, claim 1 is amended herein to recite a method of downregulating interleukin-12 production in a subject, comprising administering to the subject an interleukin-12 downregulating amount of a ligand of complement receptor 3 or complement receptor 4 effective in downregulating interleukin-12 production, wherein the ligand is not monoclonal antibody 5C6. Similarly, claims 2-3, 5 and 7 are amended herein to recite, in relevant part, wherein the ligand is not monoclonal antibody 5C6. Claim 10 is amended herein to recite, wherein the ligand of complement receptor 3 is selected from the group consisting of iC3b, ICAM-1, fibrinogen, β-glucan, C3b, ICAM-2, ICAM-3, a complement receptor 3-binding microorganism, a complement receptor 3-binding product of a complement receptor 3-binding microorganism and antibodies to complement receptor 3 which are not monoclonal antibody 5C6.

Thus, as amended herein, claims 1-3, 5, 7 and 10 as well as their dependent claims do not contain any new matter. It is applicants' position that there is sufficient support in the specification to include in the claims the limitation that the ligand of this invention is not

monoclonal antibody 5C6. In particular, applicants explicitly recite monoclonal antibody 5C6 in the specification on page 18, line 20. Therefore, by amending the claim to include a limitation that the ligand of this invention is not monoclonal antibody 5C6, applicants are merely claiming less than the full scope of their disclosure, which has precedent in the patent case law. See e.g., In re Johnson and Farnham, 558 F. 2d 1008, 194 USPQ 187 (CCPA 1977). (copy enclosed).

For the reasons set forth above, applicants believe that the pending claims do not constitute new matter and are patentable over the prior art and that this rejection has been overcome. Applicants respectfully request withdrawal of this rejection and allowance of the pending claims to issue.

Pursuant to the above remarks, reconsideration and allowance of the pending application is believed to be warranted. The Examiner is invited and encouraged to directly contact the undersigned if such contact may enhance the efficient prosecution of the application to issue.

Credit Card payment form PTO-2038 authorizing payment in the amount of $850.00 ($740.00 RCE filing fee and $110.00 extension of time fee) is enclosed. This amount is believed to be correct; however, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,
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CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence and any documents referenced herein as being enclosed herein are being deposited with theUnited States Postal Service as Express Mail No. EL924048152US in an envelope addressed to: Box RCE, Commissioner for Patents, Washington, D.C. 20231 on the date shown below.

David Thorpe

7-3-02
Date

Marked-Up Version of Claim Amendments
U.S. Application Serial No. 09/196,867

1. (Twice amended) A method of downregulating interleukin-12 production in a subject, comprising administering to the subject an interleukin-12 downregulating amount of a ligand of complement receptor 3 or complement receptor 4 effective in downregulating interleukin-12 production, wherein the ligand is not [an antibody having the myelomonocytic recruitment inhibitory activity of] monoclonal antibody 5C6.

2. (Twice amended) A method of reducing an interleukin-12-induced inflammatory response in a subject, comprising administering to the subject an amount of a ligand of complement receptor 3 or complement receptor 4 effective in reducing the interleukin-12-induced inflammatory response, wherein the ligand is not [an antibody having the myelomonocytic recruitment inhibitory activity of] monoclonal antibody 5C6.

3. (Twice amended) A method of reducing the symptoms characteristic of an autoimmune disease by downregulating interleukin-12 production, comprising administering to the subject an amount of a ligand of complement receptor 3 or complement receptor 4 effective in downregulating interleukin-12 production, thereby reducing the symptoms characteristic of an autoimmune disease, wherein the ligand is not [an antibody having the myelomonocytic recruitment inhibitory activity of] monoclonal antibody 5C6.

5. (Twice amended) A method of treating the interleukin-12-induced inflammatory response of an autoimmune disease in a human subject, comprising administering to a subject an amount of a ligand of complement receptor 3 or complement receptor 4 effective in downregulating production of interleukin-12, thereby treating the interleukin-12-induced inflammatory response of an autoimmune disease, wherein the ligand is not [an antibody having the myelomonocytic recruitment inhibitory activity of] monoclonal antibody 5C6.

7. (Twice amended) A method of treating the interleukin-12-induced inflammatory response of an inflammatory bowel disease in a human subject, comprising administering to a subject an amount of a ligand of complement receptor 3 or complement receptor 4 effective in downregulating production of interleukin-12, thereby treating the interleukin-12-induced inflammatory response of an inflammatory bowel disease, wherein the ligand is not [an antibody having the myelomonocytic recruitment inhibitory activity of] monoclonal antibody 5C6.

10. (Twice amended) The method of claim 1, 2, 3, 4, 5, 6, 7 or 8, wherein the ligand of complement receptor 3 is selected from the group consisting of [antibodies to complement receptor 3 which do not have the myelomonocytic recruitment activity of monoclonal antibody 5C6,] iC3b, ICAM-1, fibrinogen, β-glucan, C3b, ICAM-2, ICAM-3, a complement receptor 3-binding microorganism [and], a complement receptor 3-binding product of a complement receptor 3-binding microorganism and antibodies to complement receptor 3 which are not monoclonal antibody 5C6.